

REMARKS

Claims 1-15 are pending in the present application.

By this Amendment, claim 9 has been amended as a purely cosmetic measure to correct a minor grammatical error and claims 1, 6, and 11 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Applicants expressly reserve the right to pursue broader claims and/or to appeal any or all rejections.

It is noted that the Office Action Summary indicates at item 11 that approved corrected drawings are required in reply to this Office Action. However, since the drawing in question submitted on May 28, 2003 was submitted as a clean copy including the requested changes, it is believed that no additional copies of the corrected drawing are required to be filed.

35 U.S.C. § 103(a) Rejection

Claims 1-15 presently stand rejected under 35 U.S.C. § 103(a) over Kudo, et al (U.S. Patent No. 5,517,243) in view of Ejima, et al (U.S. Patent No. 6,327,423 B1 (the patent number 5,585,942 cited in the Office Action is believed to be in error)) and in further view of Takei, et al (U.S. Patent No. 4,746,949). Because the proposed combination of Kudo, Ejima, and Takei does not disclose or suggest all of the limitations of claims 1-15, it is asserted that claims 1-15 are patentable over the cited art.

Specifically, claim 1 (and claims 2-5, which depend from claim 1) as amended recites "a first controller for controlling an exposure amount of said image pick-up element for a next frame in a sequence of photographs **based on the light-quantity data of a previous frame** output from said light-receiving element in the sequence-photograph mode."

It is respectfully pointed out that this limitation is not disclosed by the cited art. That is, none of Kudo, Ejima, and Takei discloses or suggests controlling an exposure amount based on light-quantity data of a previous frame. Instead, Kudo discloses a still video camera that uses a light measuring device and a luminance information processing circuit to determine the proper exposure value for a current frame, Ejima discloses an electronic camera in which an image processing unit controls brightness (i.e., exposure) by using an adjusted value computed based on an output from a CCD or light measurement results of a photometric device and a photometric circuit for a current frame, and Takei discloses an image sensing device having a still frame mode in which a luminance component of an image is extracted from an image sensor for calculating a proper exposure for a current frame. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Kudo, Ejima, and Takei, this proposed combination would still fail to disclose or suggest "controlling an exposure amount of said image pick-up element for a next frame in a sequence of photographs based on the light-quantity data of a previous frame output from said light-receiving element in the sequence-photograph mode" as recited in claim 1. Since the proposed combination of Kudo, Ejima, and Takei fails to disclose or suggest all of the limitations of claim 1, the proposed combination of Kudo, Ejima, and Takei cannot render obvious claim 1, or claims 2-5 which depend from claim 1.

With respect to claim 6 (and claims 7-10, which depend from claim 6), this claim as amended recites "**controlling an exposure amount** of the image pick-up element for a next frame in a sequence of photographs **based on the light-quantity data of a previous frame** generated by the light-receiving element if the digital camera is in the sequence-photograph mode." Thus, it is respectfully submitted that claims 6-10 patentably distinguish over the proposed combination of Kudo, Ejima, and Takei for the reasons discussed above in connection with claims 1-5.

With respect to claim 11 (and claims 12-15, which depend from claim 11), this claim as amended recites "a controller, for **controlling an exposure amount** of said image pick-up element for a next frame in a sequence of photographs **based on the light-**

quantity data of a previous frame output from said light-receiving element in the sequence-photograph mode.” Thus, it is respectfully submitted that claims 11-15 patentably distinguish over the proposed combination of Kudo, Ejima, and Takei for the reasons discussed above in connection with claims 1-5.

Accordingly, it is respectfully requested that the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Kudo et al in view of Ejima et al and in further view of Takei et al, be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

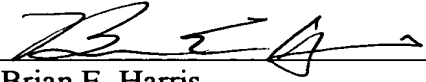
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any fee required for such Petition for Extension of Time, and any other fee required by this document, other than the issue fee, and not submitted herewith, should be

Application No. 09/354,815
Amendment dated December 4, 2003
Reply to Office Action of August 12, 2003

charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: 
Brian E. Harris
Registration No. 48,383
Agent for Applicant

BEH:bar
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3461
Main: (214) 981-3300
Facsimile: (214) 981-3400
December 4, 2003